



General Assembly

Amendment

February Session, 2008

LCO No. 4933

HB0514504933HDO

Offered by:

REP. HENNESSY, 127th Dist.

REP. MUSHINSKY, 85th Dist.

To: Subst. House Bill No. **5145**

File No. 101

Cal. No. 63

"AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES."

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- 1 Change the effective date of section 1 to "Effective January 1, 2009"
 - 2 Strike lines 3 to 6, inclusive, in their entirety
 - 3 In line 7, strike "(2)" and insert "(1)" in lieu thereof and after "means"
 - 4 insert "(A)"
 - 5 In line 8, strike "tract" and insert "block group" in lieu thereof
 - 6 In line 9, strike "(A)"
 - 7 In line 9, strike "fifty" and insert in lieu thereof "thirty"
 - 8 Strike lines 12 and 13 and insert the following in lieu thereof: "(B) a
 - 9 distressed municipality, as defined in subsection (b) of section 32-9p of
 - 10 the general statutes;"

11 Strike lines 14 to 54, inclusive, in their entirety and insert the
12 following in lieu thereof:

13 "(2) "Affecting facility" means any (A) electric generating facility
14 with a capacity of more than ten megawatts; (B) sludge or solid waste
15 incinerator or combustor; (C) sewage treatment plant with a capacity
16 of more than fifty million gallons per day; (D) intermediate processing
17 center, volume reduction facility or multitown recycling facility with a
18 combined monthly volume in excess of twenty-five tons; (E) new or
19 expanded landfill, including, but not limited to, a landfill that contains
20 ash, construction and demolition debris or solid waste; (F) medical
21 waste incinerator; or (G) major source of air pollution, as defined by
22 the federal Clean Air Act. "Affecting facility" shall not include (i) the
23 portion of an electric generating facility that uses nonemitting and
24 nonpolluting renewable resources such as wind, solar and hydro
25 power or that uses fuel cells, or (ii) any facility for which a certificate of
26 environmental compatibility and public need was obtained from the
27 Connecticut Siting Council on or before January 1, 2000;

28 (3) "Meaningful public participation" means (A) residents of an
29 environmental justice community have an appropriate opportunity to
30 participate in decisions about a proposed facility or the expansion of
31 an existing facility that may adversely affect such residents'
32 environment or health; (B) the public's participation may influence the
33 regulatory agency's decision; and (C) the applicant for a new or
34 expanded permit, certificate or siting approval seeks out and facilitates
35 the participation of those potentially affected during the regulatory
36 process; and

37 (4) "Community environmental benefit agreement" means a written
38 agreement entered into by a municipality and an owner or developer
39 of real property whereby the owner or developer agrees to develop
40 real property that is to be used for any new or expanded affecting
41 facility and to provide financial resources for the purpose of the
42 mitigation, in whole or in part, of impacts reasonably related to the
43 facility, including, but not limited to, impacts on the environment,

44 traffic, parking and noise.

45 (b) (1) Applicants who, on or after January 1, 2009, seek to obtain
46 any certificate under chapter 277a of the general statutes, new or
47 expanded permit or siting approval from the Department of
48 Environmental Protection or the Connecticut Siting Council involving
49 an affecting facility that is proposed to be located in an environmental
50 justice community or the proposed expansion of an affecting facility
51 located in such a community, shall (A) file a meaningful public
52 participation plan with such department or council and shall obtain
53 the department's or council's approval of such plan prior to filing any
54 application for such permit, certificate or approval; and (B) consult
55 with the chief elected official or officials of the town or towns in which
56 the affecting facility is to be located or expanded to evaluate the need
57 for a community environmental benefit agreement in accordance with
58 subsection (d) of this section.

59 (2) Each such meaningful public participation plan shall contain
60 measures to facilitate meaningful public participation in the regulatory
61 process and a certification that the applicant will undertake the
62 measures contained in the plan. Such plan shall identify a time and
63 place where an informal public meeting will be held that is convenient
64 for the residents of the affected environmental justice community. In
65 addition, any such plan shall identify the methods, if any, by which the
66 applicant will publicize the date, time and nature of the informal
67 public meeting in addition to the publication required by subdivision
68 (3) of this subsection. Such methods may include, but not be limited to,
69 (A) posting a reasonably visible sign on the proposed or existing
70 facility property, printed in English, in accordance with any local
71 regulations and ordinances, (B) posting a reasonably visible sign,
72 printed in all languages spoken by at least twenty per cent of the
73 population that reside within a one-half of a mile radius of the
74 proposed or existing facility, in accordance with local regulations and
75 ordinances, (C) notifying neighborhood and environmental groups, in
76 writing, in a language appropriate for the target audience, and (D)
77 notifying local and state elected officials, in writing.

78 (3) Not less than ten days prior to the informal public meeting and
79 not more than thirty days prior to such meeting, the applicant shall
80 publish the date, time and nature of the informal public meeting with a
81 minimum one-quarter page advertisement in a newspaper having
82 general circulation in the area affected, and any other appropriate local
83 newspaper serving such area, in the Monday issue of a daily
84 publication or any day in a weekly or monthly publication. The
85 applicant shall post a similar notification of the informal public
86 meeting on the applicant's web site, if applicable.

87 (4) At the informal public meeting, the applicant shall make a
88 reasonable and good faith effort to provide clear, accurate and
89 complete information about the proposed facility or the proposed
90 expansion of a facility and the potential environmental and health
91 impacts of such facility or such expansion.

92 (5) The Department of Environmental Protection or the Connecticut
93 Siting Council shall not take any action on the applicant's permit,
94 certificate or approval earlier than sixty days after the informal public
95 meeting.

96 (6) In the event that the Connecticut Siting Council has approved a
97 meaningful public participation plan concerning a new or expanded
98 facility and an informal public meeting has been held in accordance
99 with this subsection, the Department of Environmental Protection may
100 approve such plan and waive the requirement that an additional
101 informal public meeting be held in accordance with this subsection.

102 (c) Any municipality, owner or developer may enter into a
103 community environmental benefit agreement in connection with an
104 affecting facility. Mitigation may include both on-site and off-site
105 improvements, activities and programs, including, but not limited to:
106 Funding for activities such as environmental education, diesel
107 pollution reduction, construction of biking and walking trails, staffing
108 for parks, urban forestry, support for community gardens or any other
109 negotiated benefit to the environment in the environmental justice

110 community. Prior to negotiating the terms of a community
111 environmental benefit agreement, the municipality shall provide a
112 reasonable and public opportunity for residents of the potentially
113 affected environmental justice community to be heard concerning the
114 need for, and terms of, such agreement."